

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

QUINTARA BIOSCIENCES, INC.,

Plaintiff,

No. C 20-04808 WHA

v.

RUIFENG BIZTECH INC., et al.,

Defendants.

**ORDER RE MOTION FOR  
PROVISIONAL RELIEF AND  
FURTHER CASE SCHEDULING  
ORDER**

A previous order denied defense counsel's request for an exemption from the requirement that all individuals be fully vaccinated against COVID-19 for in-person arguments and trial. The order accordingly vacated our trial date "until such time as the COVID-19 pandemic is over, until Attorney Kamath becomes fully vaccinated, or until further order of the Court" (Dkt. No. 269). The order acknowledged the resulting prejudice to plaintiff Quintara and permitted "Quintara to bring a regularly noticed motion for provisional relief, based on a sworn record, the hearing to be conducted remotely" (*ibid.*).

Quintara has done so, requesting "Defendants' counsel be ordered to be vaccinated within sixty (60) days, or alternatively, that counsel be ordered to retain trial counsel that complies with the Court's Vaccination Order. If Attorney Kamath refuses either such option, the Court should disqualify her for violations of the Local Rules of this Court and the California Rules of Professional Conduct and, in such an event, the Court should order

Defendants' Answer be stricken and default be entered in favor of Plaintiff" (Br. 3).

Quintara's motion is suitable for resolution on the papers.

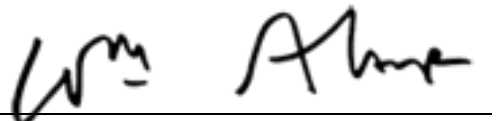
In substance, Quintara does not seek provisional relief due to the delay of the trial. Rather, it seeks reconsideration of the prior order vacating the trial date in light of Attorney Kamath's refusal of the COVID-19 vaccine. Quintara has not met its burden on that front. *See Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

That being said, given the recent declining rates of COVID-19 transmission since the order vacating the previous trial date, a new trial date will be set. A **JURY TRIAL** in this matter shall accordingly be scheduled to begin on **MAY 16, 2022, AT 7:30 A.M.**, in Courtroom 12, 19th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102. The trial schedule and time limits shall be set at the final pretrial conference. The **FINAL PRETRIAL CONFERENCE** shall be held on **MAY 11, 2022, AT 2:00 P.M.** With proper masking and social distancing, all according to protocols that will be determined, unvaccinated and vaccinated individuals alike will be allowed to attend trial in person.

Quintara's motion for provisional relief is **DENIED WITHOUT PREJUDICE** to the filing of a renewed motion seeking provisional relief for the delay imposed by defendants and their counsel, such as, but not limited to, an injunction requiring defendants to provide notice to all customers and vendors listed in the alleged database trade secrets regarding this lawsuit and that further dealings with defendants might pose liabilities in light of this litigation.

**IT IS SO ORDERED.**

Dated: March 8, 2022.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE